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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,866	11/26/2003	Amy M. Tupler	CE11826JME	8598

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/722,866

Applicant(s)

TUPLER ET AL.

Examiner

Pierre-Louis Desir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed on 10/12/2006 have been fully considered but they are not persuasive.

Applicants argue that the structure of Harris directly contradicts the claimed subject matter. It is clear in Harris that the housing (110) rotates while the other housing (108) remains stationary. If Harris were interpreted in accordance with the Examiner's assertions, continue Applicants, the handheld device described could not be properly operated, as the housing (108) is not designed to move around housing (110).

Examiner respectfully disagrees with Applicants. Examiner does not follow how Applicants' arguments concerning the rotation of Housing 110 while Housing 108 remains stationary relate to the rejection applied to the claim and how the structure of Harris directly contradicts the claimed subject matter. In Figs 2, and 12-13 of the cited reference (i.e., Harris), the display 184 and the touchscreen (which are coextensive) comprise a majority of the front surface attributable to Housing 110 (see col. 6, lines 62-66). Also the housing 108 can be rotated

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ninety degrees to a ninety-degree orientation, as shown in FIG. 12. As the housing 110 is rotated, the flanges 520 of the sleeve 502 are drawn under the ledge 504 of the turret 402.

During rotation, the ball plungers 506 of the turret 402 maintain contact with the wall 518 of the sleeve 502. Also, the spring-loaded finger 508 of the turret 402 travels about, and maintains contact with, the ring 524 of the sleeve 502 (see col. 8, lines 37-45).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (Harris) U.S Patent No. 6009336.

Regarding claim 1, Harris et al. discloses a display system comprising:

a platform (400, 104, 108 - Figures 12 and 4); a display (184, 110) having a display support (FIGURE 5) that pivotally attaches the display to said platform (column 7, lines 41-53) and said display being operable between a first position and at least a second position (Figures 12, 13, 2, and 4); and at least one sensor (512, 514, 604, 606 -Figures 5 and 6; column 7, lines 41-53); wherein an output of said sensor correlates to said position of said display (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4); wherein said display support includes at least one support member (502) rigidly attached to said display; and at least one

pivot member (402) rigidly attached to said at least one support member and pivotally attached to said platform (see Figures 5-6; column 7, lines 41-67, col. 8, lines 37-45).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Regarding claim 2, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said sensor outputs a signal that is used to identify a direction of display pivot (for example: "ninety degree orientation" - column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding claim 3, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said sensor outputs a signal that is used to identify an amount of display pivot (for example: "ninety degree orientation"- column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding claim 4, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said sensor comprises at least one of an electrical contact and a photon based sensor (for example: electrical contacts 512, 514, 604, 606 - Figures 5 and 6; column 7, lines 41-53).

Regarding claim 7, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses a structural member having at least one protrusion (520) and said at least one pivot member comprising a channel ("circular path") approximately located on a circumference of said pivot member (see Figure 6), said channel disposed to receive said at least one protrusion (column 7, line 23-67).

Regarding claim 8, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said display support comprises:

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at least one support member (402) attached to said platform; and at least one pivot member (506, 504, or 502; singularly or in combination) rigidly attached to said at least one support member and pivotally attached to said display (see Figures 5-6; column 7, lines 41-67).

Regarding claim 9, Harris et al. discloses everything claimed as applied above (see claim 8). In addition, Harris et al. discloses said display comprising at least one protrusion (520 or 518; singularly or in combination) and said at least one pivot member comprising a channel ("circular path") approximately located on a circumference of said pivot member (see Figure 6), said channel disposed to receive said at least one protrusion (column 7, line 23-67).

Regarding claim 10, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses the display being rotationally operable about an axis that is substantially perpendicular to a top surface of said display (Figures 12, 13; column 8, line 46 to column 9, line 5).

Regarding claim 11, Harris et al. discloses everything claimed as applied above (see claim 10). In addition, Harris et al. discloses wherein said sensor measures a direction of rotation of said display (for example: "clockwise", "counterclockwise" - column 8, line 46 to column 9, line 5; Figures 2, 12, 13).

Regarding claim 12, Harris et al. discloses everything claimed as applied above (see claim 10). In addition, Harris et al. discloses wherein said sensor measures an amount of rotation of said display (for example: "ninety degree orientation", "180 degree orientation", "270 degree orientation" - column 8, line 46 to column 9, line 5; Figures 2, 12, 13).

Regarding claim 13, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. further discloses a display lock (column 8, line 9) that prevents said display from pivoting when the display system is in a lock mode (column 8, lines 1-25).

Regarding claim 14, Harris et al. discloses everything claimed as applied above (see claim 13). In addition, Harris et al. discloses wherein said display lock comprises at least one locking member (506/504 - Figure 5) that is operable between a retracted position wherein said locking member is not in contact with said display and an extended position wherein said locking member contacts said display, said locking member contact with said display preventing said display from pivoting (spring moves between retracted position and extended position shown in Figure 5 - column 8, lines 1-25).

Regarding claim 15, Harris et al. discloses everything claimed as applied above (see claim 13). In addition, Harris et al. discloses wherein said display lock comprises a display retractor (518, 520, 524, 502; singularly or in combination) that retracts (column 8, line 17) said display from an extended position wherein said display is pivotal to a retracted position wherein said display contacts a rigid structure, said contact with said rigid structure preventing said display from pivoting (spring moves between retracted position and extended position shown in Figure 5 - column 8, lines 1-25).

Regarding claim 16, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses a skirt (border or edge) (520, 518, 524; singularly or in combination), said skirt extending from a perimeter of said display to at least one of said platform and a device surface to form a barrier (column 8, lines 1-36).

Regarding claim 17, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said display pivots from said first position to said second position upon the application of a tactile force (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4).

Regarding claim 18, Harris et al. discloses everything claimed as applied above (see claim 17). In addition, Harris et al. discloses a plurality of tension members (springs 506-Figure 5) disposed between said display and said platform, said tension members returning said display from said second position to said first position when said application of said tactile force ceases (column 7, lines 23-33; column 8, lines 1-45; column 9, lines 6-17).

Regarding claim 19, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. discloses wherein said platform is in a fixed position (platform is in fixed position with respect to the communication device; it is the display that rotates - Figure 2, 4, 12-13).

Regarding claim 20, Harris et al. discloses everything claimed as applied above (see claim 1). In addition, Harris et al. further discloses a graphical user interface (GUI) (touch sensitive screen /touchscreen 186), said GUI presenting graphical information on said display and receiving at least one input correlating to which of said positions the display is disposed (column 5, lines 45-59; column 6, lines 63-67).

Regarding claim 21, Harris et al. discloses a device comprising a display system, the display system comprising:

a platform (400, 104, 108 - Figures 12 and 4); and a display (184, 110) pivotally attached to the platform and being operable between a first position and at least a second position

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(Figures 12, 13, 2, and 4); wherein the device receives at least one input signal from the display system, said input signal correlating to which of the positions the display is disposed (the position indication input signal is generated via sensors 512, 514, 604, 606 - column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4); wherein the display (184, 110) has a display support (FIGURE 5) that pivotally attaches the display to the platform (column 7, lines 41-53) and the display support includes at least one support member (502) rigidly attached to the display, and at least one pivot member (402) rigidly attached to the at least one support member and pivotally attached to the platform (see Figures 5-6; column 7, lines 41-67, col. 8, lines 37-45).

In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.

Regarding claim 22, Harris et al. discloses a device comprising: a display (184 - Figure 12) having a first axis that is substantially perpendicular to a top surface of the display (the substantially perpendicular axis is illustrated in Figure 5 as arrow 191) and a second axis that is substantially parallel to the top surface of the display (the substantially parallel axis is conveyed from Figure 5 as perpendicular to arrow 191), wherein the display is pivotally mounted on a support structure within the device (104 - Figure 12); and means for connecting an input (see Figures 12, 13, 2, and 4) for the device in response to one or more tactile forces transferred to the support structure (column 8, lines 46-55; column 9, lines 17-35; column 11, line 39 to column 12, line 4); and means for permitting the display to rotate about the first axis or to rotate about the second axis in response to the one or more tactile forces (for example, display can rotate about the first/perpendicular axis in response to the tactile forces - see abstract, , col. 8, lines 37-45). In general, see column 2, lines 55-65 and column 6, line 50 to column 12, line 37.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799.

The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pierre-Louis Desir
12/18/2006

JEAN GELIN
PRIMARY EXAMINER

